

**CITY OF FORT LAUDERDALE**  
**UNSAFE STRUCTURES BOARD**  
**THURSDAY, MAY 17, 2012 AT 3:00 P.M.**  
**CITY COMMISSION MEETING ROOM**  
**CITY HALL**

Cumulative  
Attendance  
10/11 through  
9/12

**Board Members**

	Attendance	Present	Absent
Michael Weymouth, Chair	P	5	0
Joe Holland, Vice Chair	A	3	2
John Barranco	P	4	1
Joe Crognale	P	5	0
Pat Hale	A	4	1
Thornie Jarrett	P	5	0
Don Larson	P	3	2
John Phillips [until 3:55]	P	4	1
B. George Walker	P	4	1

**City Staff**

Lori Grossfeld, Board Secretary  
 Ginger Wald, Assistant Attorney  
 George Oliva, City Building Inspector  
 Gerry Smilen, City Building Inspector  
 Chris Augustin, Chief Building Official  
 Dee Paris, Administrative Aide  
 Brian McKelligett, Administrative Assistant II  
 Jamie Oppenlee, ProtoType Inc. Recording Clerk

**Communication to the City Commission**

None

**Witnesses and Respondents**

CE12032397: Phillip Seager, owner  
 CE12040056: Albert Khoury, owner's father

<b><u>Index</u></b>		
<b><u>Case Number</u></b>	<b><u>Respondent</u></b>	<b><u>Page</u></b>
<b>1. CE12032397</b>	SEAGER, PHILLIP L	<b><u>3</u></b>
Address:	715 NE 15 AV	
Disposition:	The Board found the violations existed as alleged and ordered the property owner to bring the property into compliance within 35 days. The Board recommended the property be boarded up, cleaned up, and the owner should bring his contractor or engineer to the next meeting. Board approved 7-0.	
<b>2. CE12040056</b>	KHOURY, MICHELLINE	<b><u>12</u></b>
Address:	1321 SW 22 TER	
Disposition:	Continued for 35 days. The respondent to bring to the next meeting: current pictures; the ServiceMaster contractor with drawn up plans on demolition and schematics and proof that Mr. Khoury has the authority to act on behalf of his daughter. Board approved 5-2.	
	<b>Communication to the City Commission</b>	<b><u>39</u></b>
		<b><u>39</u></b>
	<b>For the Good of the City</b>	

The regular meeting of the Unsafe Structures Board convened at 3:00 p.m. at the City Commission Meeting Room, City Hall, 100 North Andrews Avenue, Ft. Lauderdale, Florida.

All individuals giving testimony before the Board were sworn in.

#### **Approval of meeting minutes**

**Motion** made by Mr. Larson, seconded by Mr. Jarrett, to approve the minutes of the Board's April 2012 meeting. In a voice vote, motion passed 7-0.

**Cases**[INDEX](#)**1. Case: CE12032397****SEAGER, PHILLIP L****715 NE 15 AVENUE**

MS. PARIS: Our first case is a new business case on page one at the top. Case CE12032397. The inspector is Gerry Smilen, the address 715 Northeast 15 Avenue. The owner is Phillip L. Seager. We have service by posting on the property 4/12/12, we've advertised in the Daily Business Review 4/27/12 and 5/4/12. Certified mail as noted in the agenda.

INSPECTOR SMILEN: Good afternoon Board.

CHAIR WEYMOUTH: Good afternoon.

INSPECTOR SMILEN: Fort Lauderdale Building Inspector Gerry Smilen, presenting case number CE12032397 on page one of today's agenda at 715 Northeast 15 Avenue. I've handed in the list of violations and the corrective actions for each violation.

This case was opened by Diana Cahill on March 29 of 2012 in response from a complaint by the Police Department. I'd like to show some photos and enter them into evidence here.

[Inspector Smilen displayed photos of the property]

This is the front of the property here, it is a duplex. And this is the, I believe the south side of the

1 property there looking through the fence there. The back part  
2 was damaged by fire, the rear unit. Okay, this is a door  
3 going into one of the units here. That's where the fire's,  
4 you can see the electrical service for both units is in the  
5 back and that main and home run to feed electrical service  
6 for both units had it run through the fire damaged area.

7           As you can see here, the power has been  
8 disconnected at the weather head. And that's just showing,  
9 the breakers are pulled out and the electrical service is  
10 disabled at this point. That's showing into the fire damaged  
11 area in the rear. As you can see, there's extensive damage  
12 to the overhang and to the members and the rafters.

13           This is showing an inside view, here, where you can  
14 see a lot of it was open-beam ceiling and a lot of the  
15 structural beams and roof rafters are severely damaged by the  
16 fire.

17           That's an area where the awning had joined to the  
18 fire-ridden area. And this is the inside of the unit. As you  
19 can see, open-beam with the decking and the rafters all  
20 damaged by fire. That's the kitchen area. And that's a  
21 little more of an area -- as you can see, it's wood frame,  
22 the exterior walls are wood frame.

23           That's more of the plaster coming off the ceiling.  
24 That's showing more of the smoke damage on the interior of  
25 the unit. That's showing a wall AC unit damaged and melted

1 by the fire. That's showing you a better view, as you can  
2 see, there was some paneling on the inside on the exterior  
3 walls; when it was removed you could see some of the walls  
4 were okay and some were not, along with the roof rafters.  
5 That's in the corner there looking out into the rear.

6 And that's more, as you can see, the wall looks  
7 okay, and then, and when you get up to the ceiling area you  
8 can see where the extensive fire damage has occurred on the  
9 structural members. That again, is showing the electrical  
10 service. And as posted "Unsafe Structure," to keep people  
11 out.

12 This is the front unit. That's the electrical  
13 panel, that's the door. There's personal belongings and  
14 material inside. And that's the posting. Okay, we're good.

15 I'd like to also enter into evidence, since May 25  
16 of 2011 there have been 58 nuisance complaints about this  
17 property that have been answered by either the Police  
18 Department, the Fire Department, or the SRT team that is  
19 assigned to Code Enforcement at our Building Department.

20 There are a lot of, from the reports, there have  
21 been a lot of people trespassing on the property. I'm not  
22 privy to knowing how the fire was started, but at this point  
23 in time we ask that the Board find for the City that this  
24 property is unsafe and order the building to be demolished by  
25 the property owner within 30 days.

1 CHAIR WEYMOUTH: Thank you Inspector Smilen. Any  
2 questions of him before we go to the respondent? Okay, sir?  
3 If you would, please state your name.

4 MR. SEAGER: Phillip Seager.

5 CHAIR WEYMOUTH: Okay Mr. Seager.

6 MR. SEAGER: I've hired a contractor and the letter  
7 of intent was sent to the Building Division, and we're going  
8 to be pulling permits but I'd ask for a two-month extension.

9 CHAIR WEYMOUTH: When did the fire occur?

10 MR. SEAGER: About six weeks ago.

11 CHAIR WEYMOUTH: Okay, anybody have any questions?

12 MR. JARRETT: Do you, did you bring your contractor  
13 with you?

14 MR. SEAGER: No, but the letter intent, he's, out  
15 of Parkland and he sent the letter of intent to, he met with  
16 Gerry Smilen this week at the property.

17 MR. JARRETT: Okay. All right, you realize, of  
18 course, you're going to need an architect, an engineer and --

19 MR. SEAGER: Oh yes, I paid for -- yes. We've got  
20 it all under control.

21 MR. JARRETT: I think the inspector wants to say  
22 something.

23 INSPECTOR SMILEN: Gerry Smilen, Building  
24 Inspector, City of Fort Lauderdale. I do want to confirm  
25 that I did meet with Mr. Seager and a GC from the Palm Beach

1 area. It was, believe it was, think it was Wednesday or,  
2 yes, I think it was Wednesday. I met over at the property,  
3 we went over the structure and he is fully aware that he will  
4 have to obtain a design professional with drawings and a  
5 design that'll, you know, that'll be needed to renovate the  
6 building. That is the intent at this time. We haven't  
7 received a letter of intent or anything; at this point it  
8 might be too early, maybe it's in the mail and hasn't been  
9 brought to my department yet. But I did meet and I can  
10 confirm that.

11 MR. JARRETT: Can I ask Gerry a question?

12 CHAIR WEYMOUTH: Absolutely.

13 MR. JARRETT: Gerry, I see by one of the pictures  
14 or so, that some of the windows are gone. Were some of the  
15 complaints from the Police Department the fact that  
16 transients are living in the property and that sort of thing?

17 INSPECTOR SMILEN: Well, there've been complaints  
18 before the fire, because this dates back to May 25 of 2011  
19 that I have these complaints here. The fact that now the  
20 building has a fire and is vacant and unoccupied has  
21 amplified the situation to a great deal. There have been  
22 people spotted there at night. There is no power, there is no  
23 water, technically, by the minimum housing code of the City  
24 of Fort Lauderdale, nobody should be living in there and  
25 nobody has any business being in there after hours.

1           MR. CROGNAL: Gerry? Question. With, what, when  
2 you met with the contractor and met with the owner did they  
3 have a plan that satisfied you about securing it in the  
4 interim if they decide to go ahead and ask for an extension  
5 of time?

6           INSPECTOR SMILEN: Well, they haven't -- the front  
7 part is secured at this point. It's the rear unit that is  
8 not secured but there is a perimeter fence that goes around  
9 the whole property. However, there have been reports that  
10 people have been, you know, this, this property is not too  
11 far away from Holiday Park and there have been reports of  
12 people actually jumping the fence in the back and getting in,  
13 entering the property in that way.

14           That is something that we definitely need to  
15 address for sure. There should be some sort of a board-up  
16 procedure for that rear unit and maybe that's something that  
17 this Board can take into consideration before they make their  
18 ruling.

19           MR. JARRETT: Can I ask the owner a question?

20           CHAIR WEYMOUTH: Sure, absolutely. Mr. Seager?

21           MR. SEAGER: Yes.

22           MR. WEYMOUTH: Couple more questions.

23           MR. JARRETT: If the Board were to grant you a 30-  
24 day extension so that you -- when you came back in 30 days,  
25 if you could have your architect or engineer with you and



1 also if you could tell us that the building was secured and  
2 boarded up, would you agree to that?

3 MR. SEAGER: Yes sir.

4 CHAIR WEYMOUTH: Have you employed an architect, or  
5 is the contractor going to do that?

6 MR. SEAGER: The contractor has one already. Okay,  
7 he should be getting the check for half of the deposit  
8 already.

9 CHAIR WEYMOUTH: Okay.

10 MR. SEAGER: And that was faxed over this  
11 afternoon. We just met on Tuesday at my property. The  
12 letter of intent was faxed over today but it was later on,  
13 around lunchtime.

14 CHAIR WEYMOUTH: Okay, very good. Are there any  
15 other --

16 MR. PHILLIPS: Mr. Seager, is there insurance claim  
17 that's been paid?

18 MR. SEAGER: No, I have to pay for it out of my  
19 pocket.

20 MR. PHILLIPS: No fire insurance?

21 MR. SEAGER: No. I've been residing in Palm Beach  
22 County for the last year.

23 MR. PHILLIPS: What were some of the complaints  
24 made going back to May of 2011?

25 MR. SEAGER: I'm not sure, but I've not been living

1 there since July 12.

2 MR. PHILLIPS: And what?

3 MR. SEAGER: I haven't been residing there since  
4 July 12 of last year. I purchased my house in Palm Beach  
5 County May 20 of last year.

6 MR. PHILLIPS: Gerry, can you tell us the nature of  
7 the complaints?

8 INSPECTOR SMILEN: Gerry Smilen, Building Inspector  
9 City of Fort Lauderdale. I have a printout of the actual log  
10 of the complaints. Speaking to Detective Maura and some of  
11 the officers that I've met on the property, a lot of it had  
12 to do with vagrants and trespassers on the property.

13 MR. PHILLIPS: Even when it was rented to other  
14 tenants?

15 INSPECTOR SMILEN: Yes.

16 CHAIR WEYMOUTH: If there are no other questions,  
17 somebody want to make a motion?

18 MR. JARRETT: I'll make a motion.

19 CHAIR WEYMOUTH: Mr. Jarrett.

20 MR. JARRETT: Before I make this motion, I'm going  
21 to make a motion for a 30-day extension. But that means that  
22 you would come back in 30 days and it would need to be  
23 boarded up, it would need to be, you need to bring your  
24 engineer or your architect because your contractor can't pull  
25 a permit for there without a set of plans.

1           And also, issue about debris around the place needs  
2 to be cleaned up a little bit for the benefit of the -- you  
3 know, we're coming into hurricane --

4           MR. SEAGER: I cleaned it up a lot last week before  
5 bulk trash.

6           MR. JARRETT: And, so based on that -- I move that  
7 we find the violations exist as alleged, and that we grant  
8 the respondent 30 days, or is it 30 days or 31 days or --

9           CHAIR WEYMOUTH: It'll be until, 35 days until the  
10 June 21 --

11           MR. JARRETT: 35 days, 35 days to bring the  
12 property into compliance.

13           MR. LARSON: I'll second that.

14           CHAIR WEYMOUTH: Any further discussion? All in  
15 favor say aye.

16           BOARD MEMBERS: Aye.

17           CHAIR WEYMOUTH: Any opposed? We're looking for  
18 progress. What we guard against here is, as we go into  
19 hurricane season we're, our primary goal is to protect your  
20 neighbors and the surrounding properties. So that's what  
21 we're looking for, and we'll work with you.

22           MR. SEAGER: Thank you.

23           CHAIR WEYMOUTH: Thank you, have a good afternoon.  
24  
25

**2. Case: CE12040056**[INDEX](#)**KHOURY, MICHELLINE****1321 SW 22 TERRACE**

MS. PARIS: Our next new business case on page one at the bottom CE12040056. The Inspector, George Oliva. The address, 1321 Southwest 22 Terrace. The owner is Michelline Khoury. We have service by posting on the property 4/9/12. We've advertised in the Daily Business Review 4/27/12 and 5/4/12. Certified mail as noted in the agenda.

MR. BARRANCO: Hey Gerry? Could you take it outside?

INSPECTOR SMILEN: I'm sorry.

MR. BARRANCO: Thanks.

CHAIR WEYMOUTH: Thank you. Good afternoon Inspector Oliva.

INSPECTOR OLIVA: Good afternoon Board. George Oliva, Building Inspector for the City. I'm presenting case number CE12040056 on today's agenda on page one. This case goes back to March 15, 2005 when this property was damaged by a fire and it came in front of the Board for the first time on September 15, 2005. And the following pictures were taken then and during the years by different inspectors that handled the case before I did. And I would like to submit them into the records.

[Inspector Oliva displayed photos of the property]

1           This is the front of the property and that's the  
2 side of the property that was really bad -- really had damage  
3 by the fire. And that one there is on the facing the west  
4 side where you can see where the roof was damaged. The deck  
5 of the roof already away from the tie beam.

6           That's another picture was taken by the inspector.  
7 That's another picture trying to show the damage. That's the  
8 pool where the screen fall into the pool. That's another  
9 view from the back of the building. That one there is  
10 showing the damage on the roof deck. That's another one  
11 showing the damage on the roof deck, and that's at the rear  
12 of the property that show that anybody can come through the  
13 fence into the pool and like a child can go into the pool and  
14 drown.

15           That's another damage to the fence on that  
16 property. That's another view of the roof deck through the  
17 years, once again by previous inspectors. That's showing the  
18 condition of the roof deck. That is the interior of the  
19 property; it shows the damage that was done by the fire  
20 that's inside the property. That's another view inside the  
21 property. That's one of the bedrooms where you can see that  
22 the whole roof is completely burned and the drywall is gone  
23 and there's water penetration into the property.

24           That's another view of the roof deck. You can see  
25 the holes already you could see through to the sky. That's

1 another one missing the drywall, the ceiling fan that they  
2 were damaged or the electrical wires that has been exposed to  
3 the rain. That's another view inside the property. Once  
4 again, that's inside the property and that's more damage to  
5 the roof deck and the truss. You can see all the openings  
6 and gaps in the roof. That's the same.

7           That's another truss that was damaged by the fire.  
8 There's a piece of the wood missing. That's another part of  
9 the roof deck. Now, that part of the roof deck back in 209,  
10 I spoke to Jorg Hruschka, give the go-ahead for the owner to  
11 remove it due to the unsafe situation that that property has  
12 and being a new owner that took over back in 209, we give the  
13 okay for the owner to remove that part of the house, so that  
14 way we could wait for the new owner to get a set of drawings  
15 to the City and apply for the required permits to rebuild the  
16 property.

17           But the years went by from 209 all the way to 2012  
18 and we still have no permits issued. And you're going to see  
19 on my new set of pictures that I'm going to show the way the  
20 property's looking today.

21           This set of pictures were taken by me back in April  
22 1. Takes a little bit of time. Okay, this is the way the  
23 property is looking today. As you can see, the owner put a  
24 wood gate on the south side of the property to prevent  
25 somebody to go into the rear of the property where the pool

1 is located. The roof deck's still in the same condition,  
2 which is very damaged by the weather plus a fire.

3           You can see that's a part of the property that the  
4 owner removed the roof deck, but it still remains unsafe  
5 because the rest of the structure's wide open to high wind  
6 that can uplift the rest of the roof that remains in the  
7 property.

8           That's another view of the property. That's a part  
9 that was really severe damage by the fire. As you can see  
10 from the previous pictures that went by, there's still part  
11 of the roof that is, that was damaged by the fires remains in  
12 the property.

13           That's part of the overhang. That's a roof deck;  
14 you can see now the real big gaps and piece missing. That's  
15 the back of the property which the owner secured the fence so  
16 at least no one can go into the backyard right now. And  
17 that's another look on the holes that you can see in the roof  
18 deck.

19           So, this is a copy, this is the original case that  
20 was opened when the fire happened in the property back on 205  
21 and that case was withdrawn from the Unsafe Board due to  
22 litigations with the bank and the property owner at the time.  
23 And, this is the agreement that Inspector Jorg Hruschka,  
24 March 19, 29 [sic]. He withdraw the case from the Unsafe  
25 Structure Board after he had a meeting with the owner, with

1 the new owner, and they agreed that he was going to obtain  
2 the permits and he was going to present the permit and  
3 rebuild the property. And this is the last note that the  
4 inspector did on the case, that the owner was coming down to  
5 the Building Department back in 209 with an architect and a  
6 set of drawings and a contractor to apply for the required  
7 permit.

8 But since 209, nothing happened with this property.  
9 As you can see the condition of the property is right now.  
10 We are getting close to the hurricane season once again and I  
11 asking the Board to find for the City that this property is  
12 unsafe and order the building to be demolished in 30 days by  
13 the owner.

14 CHAIR WEYMOUTH: Any questions for the Inspector?

15 MR. CROGNALE: Yes, yes I do have one question.  
16 Can you verify some of the dates that we saw on here were  
17 2008?

18 INSPECTOR OLIVA: No, I wasn't handling this case  
19 [inaudible].

20 MR. CROGNALE: There were some dates on there  
21 running back to 2008, was the timestamp on the pictures.

22 INSPECTOR OLIVA: Right, they were taken by  
23 previous inspector. I think Wayne Strawn work on that case  
24 and he took some of those pictures. Before Wayne was Bob,  
25 Bob Pignataro was handling that case too. Ken, he's retired



1 also from the City, he took some of those pictures.

2 MR. CROGNALÉ: The case was opened in 2008?

3 INSPECTOR OLIVA: On 2005.

4 MR. CROGNALÉ: Oh! 2005.

5 INSPECTOR OLIVA: Yes, this case was, go way back  
6 in time and the property has been there for seven years in  
7 that condition and --

8 MR. CROGNALÉ: You answered my question about 2008.

9 INSPECTOR OLIVA: Thanks.

10 CHAIR WEYMOUTH: Any other questions? Thornie, do  
11 you have --

12 MR. JARRETT: Yes, I have a question. George, I  
13 don't understand, this was before the Unsafe Structures  
14 Board.

15 INSPECTOR OLIVA: Yes.

16 MR. JARRETT: And then, he was going to pull a  
17 permit --

18 INSPECTOR OLIVA: And it was withdrawn but the  
19 previous --

20 MR. JARRETT: But how did they get cleared from the  
21 Board?

22 MS. WALD: It never went to the Board.

23 INSPECTOR OLIVA: She -- I think Ginger can answer  
24 that, it was a lot of legal --

25 MR. JARRETT: Because I don't remember this case

1 and I was on the Board --

2 MS. WALD: No. Ginger Wald, Ginger Wald, Assistant  
3 City Attorney. I do have an old file also because our office  
4 did the title searches. It never actually got in front of  
5 the Unsafe Structure Board.

6 What had occurred when I reviewed this file --  
7 because I wasn't originally on this file either -- through  
8 the years was, as George said, some additional litigation.  
9 There was foreclosure case; the bank got it; then the bank  
10 had a title issue and they were trying to sell it. They had  
11 to get their title issue clarified; then they sold it to a  
12 buyer. The case was getting ready to be brought, then that  
13 person sold it to another buyer which is this buyer, that  
14 have had the case since 2009.

15 So it actually never got in front of the Board. It  
16 kind of got passed around because of all the different  
17 ownership. It probably should have just went forward with  
18 the Board and let the owners figure it out when they figured  
19 it out. But instead, for whatever reason, the Supervisor  
20 decided to pull it each time from the Unsafe Structure Board,  
21 so it was never heard.

22 MR. JARRETT: Okay. Thank you.

23 MS. WALD: I hope that answers your question.

24 CHAIR WEYMOUTH: Any other questions? Alright,  
25 sir, would you like to step up? If you would please, state

1 your name.

2 MR. KHOURY: Albert Khoury.

3 CHAIR WEYMOUTH: Good afternoon Mr. Khoury.

4 MR. KHOURY: Good afternoon sir, how are you?

5 CHAIR WEYMOUTH: Fine, thank you. Would you like  
6 to respond to the City's citation?

7 MR. PHILLIPS: What is your relationship to  
8 Michelline Khoury?

9 MR. KHOURY: She's my 17-year-old daughter.

10 MR. PHILLIPS: How can she own property if she's  
11 17?

12 MR. KHOURY: It's in her name. I bought it for  
13 cash; I did not buy it through the bank and didn't do any  
14 mortgage to it -- nothing.

15 CHAIR WEYMOUTH: Sir, you're going to have to speak  
16 up a little, I'm sorry.

17 MR. KHOURY: I bought it, I bought it outright so  
18 you can put it in anybody's name when you buy it outright.  
19 Okay, the first set of pictures that Mr. Oliver showed is,  
20 does not represent the property at all. It looks nothing  
21 like that. All the drywall from the interior of that place  
22 has been moved, has been removed. There is no hanging wood  
23 on the inside, everything has been boarded up.

24 I've hired a general contractor. He's been  
25 retained. All right, what's being done on that property is

1 every time we're thinking of going forward, my wife, my  
2 daughter, everybody's changing their mind on the  
3 architectural plans. It's actually going to be a two-story  
4 building put up there. I have a letter from the general  
5 contractor who's been hired that he has been retained.

6 I do, you know, it might end up being 90%  
7 demolished. However, we're working on it. Anytime that  
8 there is any type of violation I am taking care of it  
9 immediately. I've been called several times about the grass  
10 not being cut; there's somebody who's been hired to do that.  
11 That gate, I didn't go ahead and just put a new gate up  
12 there; there was an existing gate there before. We put a new  
13 gate up there; we secured it.

14 There is no electric, like in here, he says there  
15 is electrical wires? There is no electrical wires throughout  
16 that whole house. Nothing. Everything has been removed.  
17 There is not even a connection from the main power source to  
18 the house. There is not a single wire in that house, in the  
19 rafters or in the plugs. It's all being demoed to block.

20 The engineer verbally, okay, hasn't put it in  
21 writing because um, does not think that place needs to be  
22 torn down. Okay, however, in the new architectural plans  
23 that are going to be presented, 90% of it will. Only a  
24 portion of that house, the back might stay.

25 We are working on it. Money issues have been a

1 problem because no bank is going to loan on this type of  
2 property or it has to come out of pocket. Right now, as far  
3 as the architect, about six weeks out before presenting a  
4 plan.

5 CHAIR WEYMOUTH: Presenting the plan to the City?

6 MR. KHOURY: Yes.

7 CHAIR WEYMOUTH: Mr. Khoury, how long ago did your  
8 daughter buy this property?

9 MR. KHOURY: I bought the property on her behalf, I  
10 think it was in middle of 2009.

11 CHAIR WEYMOUTH: Okay, and were you aware of all of  
12 the claims or concerns that the City had with this property  
13 dating back to 2005?

14 MR. KHOURY: Yes sir. And we, when we bought it we  
15 secured it. The main claims were everything was hanging. It  
16 looks nothing like those pictures, the original set of  
17 pictures. And you're welcome, Mr. Oliver, to come back out  
18 and retake pictures if you want. It looks nothing like that.

19 MR. CROGNALE: Sir?

20 CHAIR WEYMOUTH: The [inaudible] date on his  
21 pictures that he presented as additional evidence show April  
22 of this year. Are you saying those are not accurate as well?

23 MR. KHOURY: He presented the front of the house.  
24 The back of the house, there is no kitchen and I didn't see  
25 any, I saw kitchen somewhere. I don't know whether that's

1 the old, old, but it's completely gutted to the stone.

2 MR. CROGNALE: Did you bring any evidence of that?  
3 The new structure that you talking about now? I mean, all we  
4 have to go on now is what Mr. Oliva has given us. But you're  
5 stating, you're stating that none of this exists.

6 MR. KHOURY: No, I'm not stating --

7 MR. CROGNALE: Where we're confused is, if his  
8 picture's the latest one, it did exist.

9 MR. KHOURY: Okay.

10 MR. CROGNALE: You're saying it does not exist at  
11 this time, so where's the evidence? We need the evidence.  
12 And that's what Mr. Oliva would present to us.

13 MR. KHOURY: Well I, if you see the majority of the  
14 pictures Mr. Oliva have? They're dated 2008 on the actual  
15 picture itself. The most recent pictures, I didn't look at  
16 the date but it looks like it was dated this year but they  
17 were from the front of the house. Totally different to the  
18 original set of pictures that he showed us.

19 All the stuff that was hanging, the pool, in here  
20 they're saying something about a pool. I was up here, I  
21 think, a month, two weeks ago, the judge, the, about the pool  
22 being, having contamination. I took care of that. Cost  
23 bunch of money but we did take care of it. Immediately I got  
24 this citation I was [inaudible] that officer, we did take  
25 care of that.

1 All I'm asking this Board is, okay it, it might be,  
2 it might be the fact that this house will get 90% demolished.  
3 However, we're working, we are working on it. I do have a  
4 licensed general contractor which is a, which is not a - off  
5 the ServiceMaster. ServiceMaster is a franchise; it's a huge  
6 multinational company who've done work for me before in  
7 Nebraska and in Florida. We are working on it. I am not  
8 going to throw this property, you know, I'm not in the  
9 business of buying something and just --

10 MR. CROGNAL: Have you retained a design  
11 professional now?

12 MR. KHOURY: I most certainly have. They have  
13 everybody on staff.

14 MR. CROGNAL: [inaudible] general contractor.

15 MR. KHOURY: Yes. I have the letter, you know,  
16 here is the letter, if you'd like. I brought the original.

17 MR. PHILLIPS: Did you say ServiceMaster?

18 MR. KHOURY: Yes sir.

19 MR. PHILLIPS: They fix air conditioners and repair  
20 appliances and I'm not aware they do any construction or  
21 electrical or contracting [inaudible] work.

22 MR. KHOURY: Very, very, very wrong sir, everybody  
23 thinks ServiceMaster's like that but they, World Trade  
24 Center, they did the majority of the cleanup, demo. They're  
25 licensed general contractors. Cleaning is a very small

1 portion of their business. They do the most disaster  
2 restoration --

3 MR. PHILLIPS: I'm sure at one point you'll bring a  
4 representative in here if we extend this next month to bring  
5 a live person with drawn up plans that show that you're  
6 serious.

7 MR. KHOURY: Absolutely. I have no --

8 MR. PHILLIPS: [inaudible] something, this property  
9 you bought three years ago, right?

10 MR. KHOURY: I bought this property, I think it was  
11 middle of 2009.

12 MR. PHILLIPS: Okay, so your daughter was 14 at the  
13 time?

14 MR. KHOURY: She was 14, yes.

15 MR. PHILLIPS: Do you have a guardianship set up  
16 for her?

17 MR. KHOURY: A what?

18 MR. PHILLIPS: I guess not. How was she going to  
19 pull permits and lien and design if she's --

20 MR. KHOURY: All minors fall under their parents.

21 MR. PHILLIPS: No they don't. Where are you from,  
22 South Africa?

23 MR. KHOURY: Sorry?

24 MR. PHILLIPS: Where are you from?

25 MR. KHOURY: Originally, West Africa.



1 MR. PHILLIPS: Okay. The laws are different here.

2 MR. KHOURY: Okay.

3 MR. PHILLIPS: Children don't have legal authority  
4 to do certain things. So what is your solution going to be  
5 to have the, a person with authority work on behalf of this  
6 property?

7 MR. KHOURY: But she's my child. I, whenever is,  
8 whenever --

9 MR. PHILLIPS: All right. I'm not going to argue  
10 with you.

11 MR. LARSON: That doesn't mean a thing.

12 MR. KHOURY: Oh, okay.

13 MR. LARSON: She's underage and you have to meet  
14 the laws of America, not Africa.

15 MR. KHOURY: Okay.

16 MR. PHILLIPS: Laws of Florida.

17 MR. LARSON: And my advice to you is get yourself  
18 an attorney and get your, get your house straightened up.

19 MR. KHOURY: Okay.

20 MR. LARSON: Not only the house that's already  
21 halfway tore down but your own house and get your stuff in  
22 stake. In other words, you're going to be in a big, big, big  
23 mess if something happens.

24 And the other thing is, that like to see those last  
25 pictures if I may, George. The ones that, in, the latest

1 ones that are taken please.

2 INSPECTOR OLIVA: George Oliva, Building Inspector  
3 for the City. These picture were taken by me on April 4.  
4 And you can see that the condition on the roof remains  
5 unsafe. It's open on the edge, the roof is giving into the  
6 property on the top, the interior remains the same on that  
7 part of the property, it was never removed. And that's the  
8 part that he, the gentleman removed when he agreed with Jorg  
9 Hruschka back in -

10 And I want to point this to the Board. We went  
11 through this already back on May 5, 2000-09. We went that he  
12 was going to get the permit, that he was going to bring  
13 everything that he had a -- hold one second please.

14 [Inspector Oliva displayed a printout from the  
15 computer screen with notes on the case]

16 This is the day that we put the note that he was  
17 going to obtain the permit, that he was going to get the  
18 engineer, that he was going to bring the architect. We're  
19 talking three years ago from today and nothing is going on.  
20 The property remain unsafe, the neighborhood, the people are  
21 calling the City asking for the City to take a step forward  
22 with this property. So I asking the Board to consider his  
23 situation but consider the situation of the neighborhood  
24 also. And the unsafe of this property. The inside of this  
25 property is completely safe; there's no power because we had

1 the power cut from the pole by Florida Power and Light. But  
2 if anybody hooked up power in there, yes, there's going to be  
3 a big problem because those wires have been already exposed  
4 to the damage of the weather. So the whole interior of that  
5 property have to be completely redone.

6 The roof have to be redone, everything's damaged  
7 inside that property. There's mold, mildew growing in the,  
8 inside the walls. So it's going to be a lot of money to  
9 rebuild that. I [inaudible] probably to not take it down and  
10 make a new house in that --

11 MR. CROGNALE: This directive was given in 2009  
12 that you're pointing out to us now.

13 INSPECTOR OLIVA: Yes sir, you can see it right  
14 here in the note in the computer. The day it happened three  
15 years ago.

16 MR. CROGNALE: And that hasn't been complied with  
17 since the 2009 directive [inaudible].

18 INSPECTOR OLIVA: Nothing. The only thing the  
19 gentleman did was remove the roof deck facing the north side  
20 that was one of the worst part of the damage. But the other  
21 roof, or the one that remained, the piece that remained there  
22 on the south side of the property, that's still unsafe  
23 because has been damaged by the weather for the last three  
24 years.

25 MR. CROGNALE: The walls haven't been --

1           INSPECTOR OLIVA: As you can see in the pictures,  
2 it's already giving into the property.

3           MR. CROGNALE: And the walls haven't been demoed  
4 down?

5           INSPECTOR OLIVA: No, no. You could see that the  
6 walls remain. See the condition of the wall? So that's  
7 [inaudible] repairs.

8           CHAIR WEYMOUTH: Inspector, question for you.

9           INSPECTOR OLIVA: Sure sir.

10          CHAIR WEYMOUTH: The respondent, Mr. Khoury, is  
11 saying that the pictures that we're looking at now are not  
12 reflective of what they were in 2009 --

13          INSPECTOR OLIVA: Ahh --

14          CHAIR WEYMOUTH: Hang on, let me finish my  
15 question.

16          INSPECTOR OLIVA: Yes.

17          CHAIR WEYMOUTH: Which means that in his mind  
18 something has changed since 2009. Not seeing current inside  
19 pictures, has the owner, Michelline Khoury or anybody on her  
20 behalf, pulled permits to do any kind of selective demo or  
21 repair? I see in one of the pictures, there's a brand-new  
22 fence. Have there been permits pulled to install the new  
23 fence? Is there any coordination with the City on this  
24 property?

25          INSPECTOR OLIVA: One moment.

1           [Inspector Oliva displayed a copy of the permit  
2 history from the property]

3           This is a copy of the permit history on that  
4 property, I print this today. As you can see, there's no  
5 permit been applied for anything. Even the wood fence that  
6 he put in the front with the gate, that doesn't have a  
7 permit. I haven't done really anything, doesn't have a  
8 permit, but I haven't done anything because I'd rather have  
9 an illegal gate and the roofing repaired than somebody going  
10 in the back of the property and going into the pool and  
11 drown. So for the child safe, for the neighborhood I'd  
12 rather have an unpermitted wood fence.

13           MR. BARRANCO: Mr. Chair?

14           CHAIR WEYMOUTH: Yes?

15           MR. BARRANCO: I have one question.

16           CHAIR WEYMOUTH: Go ahead.

17           MR. BARRANCO: Mr. Khoury? If you could answer a  
18 question for me. You'd mentioned earlier that your intent  
19 was to demolish the majority of the structure, build a second  
20 story on the structure. What is the purpose of keeping only  
21 10% of the structure which would amount to about 20 feet of  
22 wall? Could you explain that?

23           MR. KHOURY: Mr. Barrak [sic] it's not, right now  
24 they're working on, the architect is working on the plans  
25 okay? At the end of the day, I don't know what the end

1 result is going to be. They're still working on it. We've  
2 shown them what we want to do there and they're working on  
3 it.

4           There is a whole back section to this property on  
5 the other side of the pool, okay, which, which is just a,  
6 which is just a cement block structure and that's what I mean  
7 might end up, might end up being kept.

8           The front part, which is actually the main house  
9 that you have the pictures of, that is probably going to be  
10 demolished or not exist or somehow --

11           MR. BARRANCO: I just don't under -- my question,  
12 my dilemma here is: what is the value of keeping that wall?  
13 Usually, when somebody keeps a 20-foot section of wall on the  
14 whole property there's a reason for that.

15           MR. KHOURY: [inaudible]

16           MR. BARRANCO: Because, and here, in my experience,  
17 I'm an architect, I do a lot of renovation work.

18           MR. KHOURY: Yes.

19           MR. BARRANCO: In my experience, we have kept  
20 portions of buildings.

21           MR. KHOURY: Okay.

22           MR. BARRANCO: It's usually advantageous for an  
23 owner to do that if that wall has value. In other words, if  
24 you get something from it; if it gets you a setback that you  
25 wouldn't get in today's code or it gets you some sort of tax

1 benefit. Otherwise, what I suggest all of my clients is to  
2 tear the entire building down. Because it will be much less  
3 expensive for you. You've got the Chief Building Official  
4 behind you. He knows when you demolish the majority of the  
5 structure, the entire structure has to meet today's code. So  
6 you're building a new building regardless.

7           My suggestion to you is to proceed with demolition,  
8 get the structure out of there. And if you're looking to  
9 save a 20-foot wall, it's not worth your while unless there's  
10 some other hidden reason why you need that wall, okay?

11           That's my advice to you. At this point, my  
12 personal opinion is we would be doing you a favor by putting  
13 in an order to demo. You have an opportunity to demolish it  
14 yourself and you get going on this project and start to get  
15 some traction here.

16           MR. KHOURY: Mr. Barrack, can I say something? Can  
17 I -- alright. This house is built like a courtyard; there's  
18 a swimming pool in the center and whoever had this house  
19 before basically, this swimming pool is in the middle of the  
20 house. There is another structure to the back of the house,  
21 it goes around, okay?

22           What I'm asking, what I'm asking maybe, all right,  
23 is to allow us to present those plans. You, you, the  
24 architect plans, okay, they're not going to be ready for  
25 another six weeks, all right? And then you guys can decide

1 what you want to do from there.

2 CHAIR WEYMOUTH: You've got a design professional  
3 on board right now that's working on this?

4 MR. KHOURY: Yes sir. Yes sir.

5 CHAIR WEYMOUTH: How long has he been working on  
6 this? Can, can you flash that up on the overhead for us?

7 MR. KHOURY: That's his business card.

8 [Mr. Khoury displayed a letter from the architect  
9 indicating Mr. Khoury had retained him]

10 MR. BARRANCO: Who is the architect on the project?

11 MR. KHOURY: I'm not sure exactly who they're using  
12 but I'm going through ServiceMaster.

13 MR. BARRANCO: It looks like they're waiting for  
14 you.

15 MR. KHOURY: Sorry?

16 MR. BARRANCO: [Mr. Barranco read from the letter  
17 Mr. Khoury displayed] We are awaiting the architectural and  
18 engineering reports before finalizing.

19 They're hiring the architect on your behalf?

20 MR. KHOURY: They have their own, they have their  
21 own in-house people that they use.

22 MR. CROGNALE: They have a design/build team.

23 MR. KHOURY: Yes, they have a team now, whatever  
24 they do.

25 MR. BARRANCO: So your intent is to keep that small



1 portion of the structure on the other side of the pool.

2 MR. KHOURY: Mr. Barrack, my intent is for them to  
3 build it the way we want it built. I do not know exactly how  
4 and what they're going to propose yet. I did give them a  
5 retainer and I'm -- wait, they haven't even finalized the  
6 cost or the price. It might be that it might be too  
7 expensive. At that point, we might, you know, have to  
8 demolish it and just wait 'til we can afford to do it or move  
9 forward. I do not know sir. I do not have a cost yet.

10 MR. CROGNALE: Mr. Khoury can I --

11 CHAIR WEYMOUTH: Can we read the entire document  
12 please: the letterhead, that date and all the, all the, oh  
13 okay, thank you, sorry, good.

14 MR. CROGNALE: Mr. Chair?

15 CHAIR WEYMOUTH: Yes sir?

16 MR. CROGNALE: Mr. Khoury, in all due respect, each  
17 one of the Board members have a discipline and, you know,  
18 we're familiar with each of the phases collectively. So what  
19 we're looking at is something different and it more or less  
20 it reflects of what Mr. Oliva's showing us. This is what we  
21 have to go on. And we're all looking at it through, you  
22 know, trained eyes and we're trying to work with you.

23 MR. KHOURY: I, you know --

24 MR. CROGNALE: We need a little bit of help.

25 MR. KHOURY: Yes, okay. I, you know, I'm going to

1 build that place no matter what. I'm going to do it. So,  
2 that's all I can say. I have, you know, the previous case  
3 before me, this is the first time I'm in front of you here.  
4 But the previous case before me had like 101 citations. I  
5 don't know exactly what, police calling, these guys doing  
6 this, this, this that going on.

7           My house I don't know how many citations have come  
8 forward but I have been trying to take care of anything  
9 that's in the way of the City like if there's garbage to be  
10 taken care of or I got called once by another inspector  
11 saying there was -- I got a letter. I do try and take care  
12 of it as quickly as I can if it's within my means.

13           But to go and demolish the property within 30 days  
14 that is not something I'd like to do myself. I have to hire  
15 somebody to do that. And if we're going to do that, why not  
16 do it based on a real plan. If they say demolish it in the  
17 plan, the architect says demolish it in the plan, and that's  
18 what the contractor wants to do rather than do it, do the job  
19 twice, you know, we just follow whatever they say. And I  
20 think that would automatically comply with what you guys are  
21 requesting.

22           MR. CROGNAL: But the evidence before us now, at  
23 this date --

24           MR. KHOURY: Yes.

25           MR. CROGNAL: Doesn't justify that. What we have

1 in front of us is the pictures that we see and staff's  
2 recommendations.

3 MR. KHOURY: Okay. Mr., sir, if you look at the  
4 older pictures to this, that portion of, that portion was the  
5 old garage that somebody apparently, that had like a flat  
6 roof on it before, okay, that was hanging. We did take that  
7 off because that was one of the major, that was one of the  
8 major problems. As far as the fence, the gate goes on the  
9 other side, we didn't do anything except re-create the gate  
10 that was already existing there but with new wood to stop  
11 people from going back there.

12 So, you know, I'm doing my best, as much as I can  
13 to secure that property so that there is no fines per se.  
14 But it looks nothing like that. There is no drywall in the  
15 house. There is no drywall; it's all concrete. And it's,  
16 you know, it's all concrete, there is no --

17 MR. CROGNAL: What you have to appreciate at this  
18 point in time, it's not safe. It's as the staff presented to  
19 us: it's not safe.

20 MR. KHOURY: I'm not an engineer --

21 MR. PHILLIPS: Mr. Chairman, can I suggest a motion  
22 that we continue for 30 days and at that time request that he  
23 have firm, drawn up schematic plans with his, this gentleman  
24 from ServiceMaster, with a signed contract. You said you paid  
25 a retainer?

1 MR. KHOURY: Yes sir.

2 MR. PHILLIPS: How much?

3 MR. KHOURY: I think it was like \$7,500.

4 CHAIR WEYMOUTH: Okay. Mr. Phillips, if you'd like  
5 to make the motion.

6 MR. PHILLIPS: I make the move we continue this  
7 matter for 30 days at which time Mr. Khoury --

8 MR. BARRANCO: 35.

9 MR. PHILLIPS: 35.

10 CHAIR WEYMOUTH: I don't know if we can issue a  
11 continuance. Can we issue a continuance?

12 MS. WALD: Ginger Wald, Assistant City Attorney.  
13 You have a few options. The case has been presented, you can  
14 either find that the violations exist or don't exist. If you  
15 find the violations exist, you can order a demolition or you  
16 can go ahead and give an extension of time for the owner to  
17 come into compliance. I haven't heard any motion for a  
18 continuance and/or --

19 CHAIR WEYMOUTH: He's making it.

20 MS. WALD: No, he can't make a - well, he can make  
21 a motion, but I mean, as to any of the parties here are  
22 requesting a motion for continuance, because you've already  
23 heard the case. If you are asking for additional information  
24 that is necessary, that needs to be brought in front of you  
25 before you can make your decision, then you can ask that the

1 case be continued to another date certain.

2 That would be moving the case itself. So that is a  
3 possibility that you have and can be moved. But I believe  
4 the case has been presented, so I really think only if you  
5 need additional information would a motion to continue be  
6 warranted in this case.

7 MR. PHILLIPS: The additional information I'd like  
8 is for him -- Mr. Khoury -- to bring in current pictures,  
9 exactly what it's look like. Number two, for him to come in  
10 and show that, that he has authority to even be here before  
11 us. He doesn't own the property.

12 CHAIR WEYMOUTH: Excellent point.

13 MR. PHILLIPS: He better get an attorney and set up  
14 a quick guardianship for that girl. If she got the property  
15 at 14, now she's 17, so I would suggest that we continue it  
16 subject to his one, bringing in current pictures, two,  
17 bringing in ServiceMaster contractor with drawn up plans on  
18 demolition and schematics and three, proof that he has the  
19 authority to act on behalf of a minor.

20 CHAIR WEYMOUTH: Okay.

21 MR. LARSON: Second.

22 CHAIR WEYMOUTH: We have a motion, we have a  
23 second, is there any more discussion?

24 MR. JARRETT: I have questions.

25 CHAIR WEYMOUTH: Yes sir.

1 MR. JARRETT: So, this motion does not include the  
2 fact that we're finding the violations exist?

3 MR. PHILLIPS: No, not yet. Next month, if none of  
4 this is brought up or not all of it is, then I have no  
5 hesitation at that point to order the demolition.

6 MR. CROGNALE: My question is, the violations do  
7 exist at this point in time.

8 MR. PHILLIPS: I'm not suggesting we bring that up  
9 right now. I'd like to see current pictures that he alleges.

10 CHAIR WEYMOUTH: Okay, we have motion, we have a  
11 second, any other further conversation? All in favor say  
12 aye.

13 SOME BOARD MEMBERS: Aye.

14 CHAIR WEYMOUTH: Any opposed?

15 MR. CROGNALE: Aye.

16 MS. WALD: Roll call.

17 CHAIR WEYMOUTH: Do we need to do a roll call?

18 MS. WALD: I would.

19 MS. OPFERLEE: Mr. Barranco.

20 MR. BARRANCO: Yes.

21 MS. OPFERLEE: Mr. Crognale.

22 MR. CROGNALE: No.

23 MS. OPFERLEE: Mr. Jarrett.

24 MR. JARRETT: No.

25 MS. OPFERLEE: Mr. Larson.

1 MR. LARSON: Yes.

2 MS. OPPERLEE: Mr. Phillips.

3 MR. PHILLIPS: Yes.

4 MS. OPPERLEE: Mr. Walker.

5 MR. WALKER: Yes.

6 MS. OPPERLEE: Chair Weymouth.

7 CHAIR WEYMOUTH: Yes.

8 MS. WALD: Passes, 5-2.

9 CHAIR WEYMOUTH: Okay, so, it passes 5-2, is that  
10 what I'm hearing?

11 MS. WALD: Yes.

12 CHAIR WEYMOUTH: Okay. We'll see you in 35 days.

13 Suggest you come armed.

14 MR. CROGNALE: Hey, hey, hey!

15 CHAIR WEYMOUTH: Wait, wait, wait, wait, armed with  
16 plans, with contractors and nails and hammers.

17 [INDEX](#)

18 **COMMUNICATION TO THE CITY COMMISSION**

19 All right, before we adjourn is there any things  
20 that we want to communicate to our fair leaders at the top,  
21 the commissioners and the mayor?

22 [INDEX](#)

23 **FOR THE GOOD OF THE CITY**

24 MR. BARRANCO: I do have one question. It's not a  
25 communication but --

1 CHAIR WEYMOUTH: Go ahead.

2 MR. BARRANCO: When you guys issue these citations,  
3 what kind of information are we giving the homeowners?

4 MS. PARIS: I'm not sure.

5 MR. BARRANCO: What do they get?

6 MS. PARIS: Citation is actually, there's a real,  
7 there's an actual citation, I don't think that's what you're  
8 referring to. Are you referring to the Notice of Violation?

9 CHAIR WEYMOUTH: Do they get a Notice of Violation  
10 like this?

11 MS. PARIS: That's correct, yes.

12 MR. BARRANCO: So, if --

13 MS. PARIS: They get the Notice of Violation.

14 MR. BARRANCO: They get that exact Notice of  
15 Violation?

16 MS. PARIS: Yes.

17 MS. WALD: Hold on one second. I think we can hear  
18 it from the horse's mouth.

19 MS. PARIS: Sure.

20 MS. WALD: And they can tell them exactly what they  
21 provide the homeowners with. The question is, what  
22 information is [inaudible] to the respondent when the case is  
23 brought?

24 INSPECTOR OLIVA: Okay. I'm sorry, I was away from  
25 the -- can you repeat the question so that way I can answer



1 it properly, please?

2 CHAIR WEYMOUTH: John, he's asking to restate the  
3 question.

4 MR. BARRANCO: Oh, restate the question?

5 CHAIR WEYMOUTH: Yes.

6 MR. BARRANCO: What exactly do you give a property  
7 owner. Let's say I had my roof caving in --

8 INSPECTOR OLIVA: Um-hm [affirmative].

9 MR. BARRANCO: -- and you guys came by, you did an  
10 inspection. Would I get this Notice of Violation?

11 INSPECTOR OLIVA: You would get a Notice of  
12 Violation in the mail. We will do a posting or hand delivery  
13 somebody inside the property. In this case, there was nobody  
14 inside the property so what I did, I did a posting on the  
15 front door of the property, took a picture, it's on the  
16 records. And also, they send a certified mail NOV to the  
17 owner and a hearing date.

18 MR. BARRANCO: So that hearing date is set, you  
19 know, just for the last case we had for instance, is there  
20 any way we could --

21 INSPECTOR OLIVA: If --

22 MR. BARRANCO: -- educate them before they come  
23 here so they know that they're looking for this that and the  
24 other?

25 MS. WALD: What information -- I'm going to ask the

1 question so we get it straight.

2 MR. BARRANCO: Is there any other information?

3 MS. WALD: Ginger Wald, Assistant City Attorney. I  
4 think the question that's being asked is, before the Notice  
5 of Violation and Notice of Hearing is actually sent out and  
6 posted on the property and sent to the property owner via  
7 regular mail and certified mail, what do you do and what  
8 information do you provide to the property owner that a  
9 violation exists?

10 INSPECTOR OLIVA: We provide a list of the existing  
11 violations that we find in the property through mail or hand  
12 delivered to the owners in the property. In this case, this  
13 property has been vacated by the owner due to the unsafe  
14 condition that it has, so the only thing that I could do, I  
15 mail it to the address that shows in Broward County Property  
16 Appraiser as his mailing address.

17 MR. BARRANCO: That's pretty much what you said  
18 before so --

19 INSPECTOR OLIVA: And it was posted.

20 MS. WALD: Let Gerry, let Gerry --

21 MR. BARRANCO: The only other -- here's what I'm  
22 reaching for guys. And I, it's like, it must be like I'm  
23 pulling teeth here, right? But what I'm asking is, could we  
24 give them more direction as to what we need them to bring to  
25 these meetings? Because some of these guys come in here and

1 are blindsided.

2 INSPECTOR SMILEN: Gerry Smilen, Building  
3 Inspector, City of Fort Lauderdale. Okay, usually the way it  
4 works is, what we do is, we send out an inspection report  
5 which starts the process. Then from there, we usually get a  
6 reaction because when somebody gets an inspection report and  
7 then you start talking about, you look at the fine language  
8 of fines and in this particular case demolition, people, it  
9 gets their attention very quickly.

10 99% of the time we will get a call. And I know  
11 George and I meet with people out there on the property. And  
12 if you look at his case history between him, Jorg Hruschka  
13 who had it before him, the owner of the property was, there  
14 were several meetings and in my case, I also do the same  
15 thing. We go over what is needed, we give them the options  
16 that are required to satisfy our requirements under the  
17 Florida Building Code.

18 So basically, if, for instance, if this man here  
19 wants to leave one wall up, we certainly can't tell him you  
20 can't do that. I mean, maybe it's not the most practical  
21 thing in the world, but if he wants to do that, if he wants  
22 to take \$500,000 and sink it in a property that's worth  
23 \$50,000 that's certainly his prerogative to do that. It  
24 might not be the most practical again.

25 But we go through, we explain to them what is

1 necessary and we explain to them about the safety of the  
2 community and why these things are, you know, need to be  
3 done. So these people are not, unless we have no contact,  
4 and sometimes you get that too, you'll have a person where  
5 the property's in a trust, it's been vacant for a long time,  
6 it caught on fire or it's just completely, you know,  
7 unmaintained and it's just collapsing on its own fruition.  
8 You know, from there, you don't have anybody to educate. So  
9 something's got to be done because now it's almost an  
10 emergency situation. But we go through a lot of meetings  
11 with these people to notify them what they need to do.

12 MR. BARRANCO: All right.

13 MR. CROGNAL: Well my concern --

14 MR. PHILLIPS: George.

15 MR. CROGNAL: My personal concern was, in this  
16 particular case, it was like selective, selective delay. It  
17 kept going on and on and nothing was drawing to a head. And  
18 at that time it was unsafe, to this day it's still unsafe.

19 INSPECTOR SMILEN: Well --

20 MR. CROGNAL: So now the delays is what's caused  
21 the problem.

22 INSPECTOR SMILEN: Well, yes, I, this is not my  
23 case, but looking at what the timeline here, it's been very  
24 generous at this point. But Mr. Oliva would like to add  
25 something.

1 MS. WALD: Well, let's not talk about this case.

2 MR. PHILLIPS: Before, can I say something --

3 MS. WALD: Wait, wait, wait, wait -- I want to just  
4 say something really quick. Ginger Wald, Assistant City  
5 Attorney. The case is over. The gentleman is no longer  
6 here. The order's been entered. My recommendation to you as  
7 your attorney is not to discuss that case any further. If  
8 you want to talk in the abstract and not any specific case  
9 whatsoever, then obviously, I would recommend to continue  
10 that conversation.

11 MR. BARRANCO: In the abstract.

12 MR. CROGNAL: In the abstract.

13 MR. PHILLIPS: Mr. Chair, can I make a suggestion?

14 CHAIR WEYMOUTH: Go ahead Mr. Phillips.

15 MR. PHILLIPS: I think we say, get a contractor,  
16 get a lawyer, get an engineering, protect your rights  
17 [inaudible] you know what? [inaudible] because if these  
18 gentlemen say --

19 CHAIR WEYMOUTH: Right.

20 MR. PHILLIPS: -- well you know, if you get a  
21 surveyor, you may do 10% because of the setback and  
22 grandfathering in and the -- then you're building up an  
23 argument, well they told me this and that, kind of relied --

24 CHAIR WEYMOUTH: Absolutely correct

25 MR. PHILLIPS: -- and it's not fair, and, you know,

1 estoppel and, you know.

2 MR. BARRANCO: I think if the inspectors provided  
3 them with, you know, a simple form letter and just kind of  
4 giving them the basics and saying this, you're in violation  
5 and what the Board usually looks for is this, that and the  
6 other. And at least they could come here prepared and it'll  
7 save us a lot of time. It puts them on notice.

8 That way they can't say, well I didn't know until I  
9 showed up here at the guy in front of me, you know, got 30  
10 days. I didn't know I could do that. So it'd be nice if we  
11 just gave them a couple of pointers, maybe it's a form letter  
12 that you could hand everybody.

13 MS. WALD: I, I --

14 CHAIR WEYMOUTH: I assume that that kind of  
15 conversation, actually, I see quite frequently, this guy  
16 showed up with a letter from Service, whatever, it's a  
17 hypothetical company.

18 MS. WALD: Hypothetically, someone showed up with a  
19 letter.

20 CHAIR WEYMOUTH: A hypothetical company dated May  
21 9. You know, I mean, this thing's been going on since 2009  
22 and, and, and, you know.

23 MS. WALD: Well, remember too that a lot of these  
24 cases develop over the years. And when you have a case where  
25 you have owners changing hands, then I think you are going to

1 have those type of issues develop.

2 But, a majority of these cases, they really start  
3 out very simply and they start out in Code Enforcement Board  
4 which John'll tell you or some of the other members who've  
5 been on the Code Enforcement Board or have been in front of  
6 it will tell you that that's where they begin.

7 Or they begin with, like a lot of these cases, a  
8 code inspector, a regular code inspector going because the  
9 grass is too high or the windows are broken. And seeing  
10 something that potentially is a violation, that's a Florida  
11 Building Code violation. And again, being a more severe  
12 Florida Building Code violation, where we're looking at a  
13 potential unfit or unsafe structure.

14 And so, there's notice that's provided over the  
15 years to those type of owners, again, those are those type of  
16 owners and properties. And then of course you have the  
17 situations where this Board, and this sitting Board has seen  
18 in the past, where you have emergency type situations where a  
19 fire has occurred and we have had the opportunity to bring it  
20 in front of the Board on a shorter-term basis because the  
21 hearing is, we want to give the due process and we want to be  
22 able to do that as opposed to the Building Official, with the  
23 authority that he does have, moving forward and going ahead  
24 and doing a quick demolition.

25 So, you know, every case is very unique and some

1 owners know about it because they're living in the house.  
2 And you've seen those cases and again, we won't name names.  
3 And some owners are absentee owners and they have no idea  
4 what's going on. But again, they still own the property and  
5 they're absentee owners. Now --

6 MR. CROGNAL: Ginger, in the abstract --

7 MS. WALD: Sure.

8 MR. CROGNAL: In the abstract.

9 MS. WALD: In the abstract

10 MR. CROGNAL: What do we consider ample  
11 notification from the staff to the owner?

12 MS. WALD: Well --

13 MR. CROGNAL: When does that bridge cross that  
14 they've given ample notification?

15 MS. WALD: Well, if you're talking as to a legal  
16 basis, that is what this staff does to make sure that notice  
17 is provided, notice of the violations have been found by  
18 staff has been provided, and the notice of a hearing pursuant  
19 to the statute, and also, sorry, not statute, pursuant to the  
20 Florida Building Code and also pursuant to our Code of  
21 Ordinances. That is done by the staff. That, I check; that,  
22 I do the title searches. Our office does the title searches  
23 and provides all the interested parties with that  
24 information.

25 But as to what I think you're alluding to or



1 talking about as to the facts, hey, you got problems, you've  
2 got problems with your structure. Again, it really is on a  
3 case-by-case basis. Some of these owners you can't find.  
4 You know, some of these others are dead. Some of these  
5 owners, and again we're just talking about let's say past  
6 cases that are done or over with, were found dead in the  
7 house. And then we have to try to track down and find if  
8 there's any interested party. And that's why also we do the  
9 posting and we do publication.

10 At 3:55 Mr. Phillips left the meeting.

11 CHAIR WEYMOUTH: Do you know the legal age for an  
12 individual to own property in their own name?

13 MR. LARSON: Eighteen.

14 MS. WALD: Eighteen. And I don't know how that  
15 happened and --

16 CHAIR WEYMOUTH: How what happened?  
17 Hypothetically.

18 MS. WALD: How someone, hypothetically, could  
19 actually own a property who is not eighteen or through a  
20 guardianship or some type of trust. I can't answer those  
21 questions; I have no idea how he did that other than he did  
22 it. Somebody doing it.

23 And also, you have to be eighteen to contract and I  
24 don't know what contractor -- you guys tell me, you would  
25 know better -- what contractor would actually accept a

1 contract for somebody who's under the age of eighteen?

2 MR. BARRANCO: Every one of them.

3 CHAIR WEYMOUTH: Depends.

4 MS. WALD: [inaudible] depends how much money is  
5 involved.

6 MR. CROGNALE: Guilty as charged.

7 MS. WALD: But, regardless. But that is a good  
8 concern and a good concern that you have is what is told by  
9 staff and how do they help them. I can tell you, not  
10 necessarily in these cases, because it's usually already gone  
11 down that road, but in the Code Enforcement Board cases, and  
12 we just had Special Magistrate this morning, we always have  
13 it before you guys.

14 Time and time again if the owner will talk to the  
15 code inspector, or the owner will talk to the building  
16 inspector, and that's not always easy too, they will provide  
17 them the information. They will provide them step-by-step as  
18 to everything they need to go. And these cases, they will  
19 too if they can talk to the owner. And as you can see, you  
20 don't always get the owner.

21 And I know that these gentlemen also talk to  
22 contractors all the time. And, because they are always  
23 leaving me messages, hey, I'm with a general contractor  
24 somewhere else. Leave me alone, I'll get in touch with you  
25 later.

1 CHAIR WEYMOUTH: In the future, if we got a case  
2 that involved a minor owning a piece of property, do we need  
3 special direction from you on how to rule?

4 MS. WALD: I would say no and no because we  
5 wouldn't know that unless we knew that. And this is kind of  
6 an interesting situation where someone states that on the  
7 record without having any type of notification in the public  
8 records that that has occurred. And I'm sure it's going to be  
9 very interesting for Broward County to find that information  
10 out.

11 MR. LARSON: All right, would the fact is, if they,  
12 that if the, hypothetically if the respondent said that my  
13 daughter is underage, or a certain age, we would have the  
14 right to ask what his authority is, does he have an estate  
15 set up for her --

16 MS. WALD: Sure.

17 MR. LARSON: -- or does he have a power of attorney  
18 or anything like that that he, where he can represent her.

19 MS. WALD: You can ask any of those questions. You  
20 can ask any of those questions.

21 MR. LARSON: My follow-up on that, my follow-up,  
22 could I, could, could I stop the meeting if he doesn't have  
23 the power to represent her, can we dismiss it or do we  
24 continue with the case?

25 MS. WALD: Well, what we have done -- we can

1 continue with the case.

2 CHAIR WEYMOUTH: Right.

3 MS. WALD: Because, to answer that question. What  
4 we have done in the past, and it's not just this Board but  
5 it's also almost every other board, you have heard from  
6 individuals who are not the owner of the property but may be  
7 an interested person or maybe a neighbor, so they're not  
8 legally an interested person, or somebody else. You've heard  
9 from bank representatives --

10 MR. LARSON: Right, right.

11 MS. WALD: -- who are foreclosing or have a  
12 mortgage. You can hear from them. Can they bind the  
13 property owner? The answer is no; they cannot legally bind  
14 the property owner unless they are a legal agent. And again,  
15 we do receive -- I don't know, where's Dee? Oh there's Brian  
16 -- we do receive on cases, and have received in cases in the  
17 past, if you're going to actually bind that property owner,  
18 we want to, we want to see that authority; we want to see  
19 that agency authority via an affidavit.

20 It's, it's different here, and the reason why it's  
21 different here is, as long as we've done our job and we've  
22 done all the notifications properly, and we've give the  
23 opportunity to have that notification and an opportunity for  
24 the individual to come and appear here and speak, then our  
25 job is done and due process has been met. And then your job

1 is to find whether that structure is unsafe or not --

2 MR. LARSON: So legally we could go forward --

3 MS. WALD: Legally, you could have went forward.

4 MR. LARSON: -- and, and, condemn that property and  
5 have it tore down or rebuilt or extended or whatever.

6 MS. WALD: You can do that on any of the  
7 properties.

8 MR. LARSON: Okay.

9 MS. WALD: Let's take another property in the past.  
10 And again, we'll just, we'll just talk generally. You've had  
11 a situation, and we're going to use a deceased person. Well,  
12 we know the person's deceased, in fact, it even says on  
13 Broward County Property Appraiser's office it's the estate of  
14 -- and I'm going to use a fake name -- John Smith.

15 Well you know that John Smith isn't around because  
16 John Smith's deceased. That doesn't make the house any  
17 safer. But again, we have to do our job, and if we don't do  
18 our job right then we're going to suffer the consequences  
19 after today. Not you, that's not your job.

20 MR. LARSON: Thank you.

21 MS. WALD: Sure.

22 MR. BARRANCO: And Ginger, since I'm the one who  
23 started this whole conversation, this has been a great  
24 conversation and I feel enlightened now and I love watching  
25 you speak.

1 MS. WALD: Fully enlightened?

2 MR. BARRANCO: Um --

3 MS. WALD: I'm almost as good as your wife.

4 CHAIR WEYMOUTH: Well, there's no, there's no  
5 communication to the City Commission --

6 MS. WALD: Speaking, speaking, speaking, speaking.

7 CHAIR WEYMOUTH: -- and no other items to discuss.

8 MR. BARRANCO: I just wanted to wrap one thing up.  
9 The whole reason I brought it up was these guys do a great  
10 job educating the people who have these violations, right? I  
11 just want to be sure that's in writing somewhere, where these  
12 guys, you know, you, it's all really hearsay.

13 MS. WALD: Well --

14 MR. BARRANCO: They are saying, well I told them  
15 they should do this, I told them they should do that. Maybe  
16 we could put that in writing and just say, hey, here's the  
17 suggestions I give you. So when they come here we can hold  
18 them to it. And you may have to review that, but that's what  
19 I would like to see in the future.

20 MS. WALD: Yes, if --

21 CHAIR WEYMOUTH: Remedial actions.

22 MS. WALD: It is. It, and, and when an inspection  
23 report is done, like Gerry was telling you about the  
24 inspection reports? When an inspection report is done, it  
25 specifically states -- and I wish I had one of those files

1 with me from this morning, grab one -- it specifically states  
2 -- yes but I don't want to use the case -- it specifically  
3 states in the inspection report: this is what you must do.

4           You must engage an architect or engineer; you must  
5 pull all permits for this violation, this violation, this  
6 violation. That information's provided. Now whether they  
7 understand or don't understand that information: it's plain  
8 English. If they don't, if they don't understand it, you  
9 pick up the phone and you contact one of these gentlemen.

10           CHAIR WEYMOUTH: I will concur with Jack Phillips  
11 in that I think --

12           MS. WALD: Oh, here!

13           CHAIR WEYMOUTH: -- a good course of action also is  
14 to advise them to seek, if they don't know how to present  
15 themselves here to have an architect, to have an attorney or  
16 contractor be here on their behalf.

17           MS. WALD: That's their choice, you know, that's  
18 their choice to make. And I just gave Brian a file back from  
19 a case that has nothing to do with USB, but just give you an  
20 idea of what some of the documents look like and this we can  
21 use. It's an inspection report and it tells you again, this  
22 is a Special Magistrate one, what the violation is, explain  
23 the violation, and what you have to do to fix it. So I'll  
24 hand this out, just give you an idea.

25           CHAIR WEYMOUTH: And that's kind of the same form?

1 MS. WALD: And that's the exact same form that is  
2 used by the building inspectors for all of their cases also.

3 MR. WALKER: When houses are referred to this  
4 Board, are the owners put on written notice that they're in  
5 danger of having the house demolished?

6 MS. WALD: Yes.

7 MR. WALKER: Okay.

8 MS. WALD: And in fact, if you look - what are you  
9 giving me?

10 MR. MCKELLIGETT: It's the Notice of Violation  
11 [inaudible]. Same thing.

12 MS. WALD: Okay. They have that. When you see  
13 the, when you see the Notice of Violation and the Notice of  
14 Hearing that gets out, sent out to them, it tells you that  
15 this is -- now give me one of those -- this is the case.  
16 It's going to be heard in front of the Unsafe Structure Board  
17 and this is the date it's going to be heard.

18 The other thing that is done which is about as easy  
19 as you can do, is they take that placard, they take that  
20 sticker, and they put that sticker right on the house. And  
21 it says: this is an unsafe structure. And if you can't see  
22 that bright red sticker -- pink? It's pink now? -- Sorry, it  
23 used to be red. If you can't see that bright pink sticker  
24 you got a problem and you need a doctor.

25 MR. WALKER: No but, does it say that it could be



1 torn down by order from us, is my question.

2 MS. WALD: Yes, here it is. In fact it's on the  
3 second page. As to the remedial. And then again, it also  
4 references to the code, which you can get all online through  
5 the City of Fort Lauderdale website which I tell people ad  
6 nauseam almost every single day and how to get to it. And  
7 it's specifically stated in there.

8 MR. LARSON: I've seen this.

9 MS. WALD: Do you, do we have one of the pink, do  
10 we have one of the pink things?

11 MR. CROGNALE: Seems like we put our staffers --

12 MS. GROSSFELD: I don't have a pink thing, I have a  
13 copy [inaudible] posted.

14 MS. WALD: Do you have a copy of one? Let me have  
15 one of those too. Go ahead.

16 MR. CROGNALE: The comment from me is that it seems  
17 like we put our staff, our inspecting staff through over and  
18 over and over again, outlining what the problems are that  
19 it's unsafe. And then they come back and it's still not,  
20 it's still not safe. I mean, how many times we got to send  
21 them out into the woods to do that?

22 [Ms. Wald displayed black-and-white photocopy of a  
23 building with a posting sticker on it]

24 MS. WALD: You really can't see it but there's a  
25 sticker. Oh no, you can't see this one.

1 CHAIR WEYMOUTH: Yes.

2 MS. WALD: They have them over at Code, and if you  
3 want a copy I'm sure they'd be more than happy to give you a  
4 blank one.

5 MR. CROGNALE: Earn one, get one put on your house.  
6 Get the real one.

7 MS. WALD: But you've got to, but also remember,  
8 that that's staff's job. I mean, these gentlemen, that's  
9 part of their job whether they like or not. I guess if they  
10 don't like it they can go somewhere else. But that is part  
11 of their job is to provide that information and to educate,  
12 and additionally, to discuss with the owners these problems.  
13 Again, if the owners don't want to talk to them we can't make  
14 them, we can't force them. And we've had that situation in  
15 the past many, many times.

16 MR. BARRANCO: It sounds like they're doing their  
17 job. I just wanted to be sure, you know.

18 MS. WALD: I would say nowadays they are.

19 CHAIR WEYMOUTH: Great, well if there's nothing  
20 else we'll adjourn this meeting at 4:06.

21

22 [Meeting concluded at 4:06 pm.]

23

24

25

1 *Dee P.?*

2 BOARD CLERK

3

4

*Michael Weymouth*

5 MICHAEL WEYMOUTH, CHAIR

6

7

[Minutes prepared by: J. Oppерlee, Prototype, Inc.]

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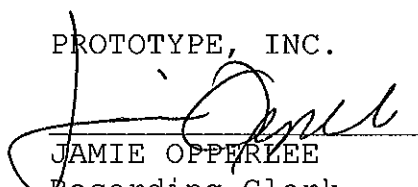
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## CERTIFICATION

I hereby certify that I have recorded and transcribed the City of Fort Lauderdale Unsafe Structures Board meeting held May 17, 2012, at 3:00 p.m., City Hall, 100 North Andrews Avenue, City Commission Meeting Room, Fort Lauderdale, Florida.

Dated at Ft. Lauderdale, Broward County, Florida, this 21 day of JUNE, 2012.

PROTOTYPE, INC.

  
JAMIE OPPERLEE  
Recording Clerk

SWORN TO and SUBSCRIBED before me by JAMIE OPPERLEE who is personally known to me and who signed the foregoing for the purposes therein expressed.

DATED this 21 day of JUNE, 2012.



D.J. GROSSFELD  
MY COMMISSION # EE 085058  
EXPIRES: April 26, 2015  
Bonded Thru Budget Notary Services

  
NOTARY PUBLIC  
State of Florida